

Beiersdorf 571.2-HCL  
6713-Dr. Rswk

Claims 13-24 correspond to the claims allowed in parent application 09/367,365 with the exception of the coating limitation (see attached sheet for comparison of claims), i.e. the scope of the claims has been expanded so that the amphiphilic metal oxide microfine particles are not limited by the means by which they are made to be amphiphilic.

If the only issue preventing allowability of the claims is the lack of a terminal disclaimer to overcome a obviousness-type double patenting rejection, the examiner is encouraged to telephone the undersigned (A faxed copy of the appropriate terminal disclaimers can be provided within 48 hours or less - Given the cost (\$110 per terminal disclaimer), the applicants prefer not to file the terminal disclaimers until there is an indication of allowable subject matter.)

Early and favorable action is earnestly solicited.

Respectfully submitted,  
NORRIS MC LAUGHLIN & MARCUS, P.A.

By Howard C. Lee  
Howard C. Lee  
Reg. No. 48,104

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Preliminary Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

Date: **21 February 2002**

By Howard C. Lee  
Howard C. Lee